

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT M. ROWE,

Plaintiff,

vs.

Case No. 08-CV-14311
HON. GEORGE CARAM STEEH

CARL R. MEYER,
F.O.C. Attorney,

Defendant.

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ORDER DENYING MOTION FOR REHEARING/RECONSIDERATION (#5)

Plaintiff Robert Rowe moves for rehearing/reconsideration of this court's July 7, 2007 Order dismissing his pro se in forma pauperis § 1983 claims seeking \$3.0 million against Michigan Friend of the Court Attorney Carl Meyer. The court dismissed the claims under 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim on which relief may be granted in that Rowe enjoys absolute immunity from suit in performing his adjudicative and prosecutorial duties. Gould v. Suffety, No. 07-11235-BC, 2007 WL 1599716 (June 4, 2007) (Ludington, J.). A motion for reconsideration must be filed within 10 days after entry of the challenged order. E.D. Mich. LR 7.1(g)(1). In seeking reconsideration, the movant must demonstrate a palpable defect by which the court and the parties have been misled, and show that correcting the defect will result in a different disposition of the case. E.D. Mich. LR 7.1(g)(3).

Rowe has failed to demonstrate a palpable error that, if corrected, would result in a different disposition of his claims. As Rowe points out, § 1915(e)(2)(B)(iii) more precisely authorizes dismissal where the plaintiff seeks monetary relief against a defendant who is

immune from such relief. Rowe's argument that Gould is distinguishable on its facts is not persuasive. Rowe fails to articulate appropriate injunctive as against Meyer. Accordingly, and in the absence of palpable error requiring a different disposition of Rowe's claims,

Rowe's motion for rehearing/reconsideration is hereby DENIED.

SO ORDERED.

Dated: October 28, 2008

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
October 28, 2008, by electronic and/or ordinary mail.

s/Josephine Chaffee
Deputy Clerk